

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Charles Lee Thornton, Plaintiff,

Cause No: 4:07CV79-CDP

Vs.

City of Kirkwood, ET.AL., Defendants.

Serve:

Kirkwood: Office of the Mayor, 139 S. Kirkwood Rd., Kirkwood, Mo. 63122. All other Defendants named in the body of this Petition, same address supra.

AMENDED TO
PETITION FOR PERMANENT INJUNCTION

Plaintiff states:

1. Plaintiff, Charles Lee Thornton is a United States Citizen, 351 Attucks Street, Kirkwood Missouri 63122.
2. Plaintiff, proceed pursuant to Federal Rule of Civil Procedure (FRCP), Rule 9(a) and thereby, sue each Defendant in their official capacities.
3. Plaintiff proceed pursuant to 42 USC Sections 2000a, 2000a-2, 2000a-3 and 42 United States Code, section 1981, US Constitution 1st Amendment.
4. Plaintiff, Petition this Court for issuance of an Order of Permanent Injunction to deter and or prevent future contrived invasion to

Plaintiff's participation in City of Kirkwood Council meetings during public comment session by Defendants; this Petition matter involves Content Speech Based Discrimination. Accordingly, this Court has jurisdiction pursuant to Amendment 1st U.S. Constitution. Venue is proper under Rule 3-2, 07(A)(1)Divisional Venue.

5. That Defendants pursuant to FRCP Rule 19 (a) and (c) are herein joindered in relief by Permanent Injunction and are nonjoinders in claims they are not mentioned or not otherwise related to the action or act claimed.
6. Plaintiff pursuant to Court order relation to document #18, and of FRCP Rule 26, that exempt from initial disclosure are, evidentiary materials of privileged or protection of trial impeachment and or preparation and on a proceeding ancillary to proceedings in other courts and or reasonable availability and are reasonably calculated to lead to discovery as admissible; and that constitutional claims are admissible at any time, Plaintiff hereof and or herein Petition made such disclosure for subpart (a) of subsection 3 of section 1 Scheduling Plan; and will meet the other subparts as required or applicable or as modified for justice.

7. That Defendant, John Hessel , for Lewis, Rice & Fingersh L.C., City of Kirkwood and Council members present, did on May 18, 2006 during Public Hearing Council Meeting, motivated by MALACE, WILLFULLY advocate and advised to the banning and contriving of banning Plaintiff from speaking and or attending the Kirkwood Council Meetings for Citizen Participation.
8. That Defendant, Mike Swoboda, for the City of Kirkwood and Council members present, did on May 18, 2006 during Public Hearing at Public Comment, motivated by MALICE, WILLFULLY and WRONGFULLY interrupt Plaintiff base solely on imagined content of Plaintiff's non law breaking speech, forced him to stop speaking by having him forcefully removed from the meeting. That action violated Plaintiff's First Amendment United States Constitutional Rights.
9. That Defendants, Connie Karr, Joe Godi, Art McDonnell, Mike Lynch, Iggy Yuan and Tim Griffin, for and as City of Kirkwood, did Revise the City of Kirkwood City Council Meeting Guidelines For Citizen Participation, for WILLFULL CONTROL of the speaker's speech.

10. Defendants:

- (A) City of Kirkwood, is a Municipality in the Saint Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (B) That Defendant Mike Swoboda, was at all times relevant herein as the Mayor of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (C) That Defendant Connie Karr, was at all times relevant herein as a Council Member of the City of Kirkwood in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 61322.
- (D) That Defendant Joe Godi, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (E) That Defendant Art McDonnell, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (F) That Defendant Mike Lynch, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri 63122.
- (G) That Defendant Iggy Yuan, was at all times relevant herein as a

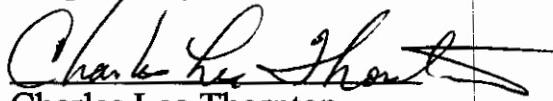
Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

- (H) That Defendant Tim Griffin, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (I) That Defendant Mike Brown, was at all times relevant herein as the Chief Administrator of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (J) That Defendant Jack Plummer, was at all times relevant herein as the Chief of Police of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (K) That Defendant John Hessel was at all times relevant herein as the City Attorney of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (L) That Defendant Lewis, Rice & Fingersh L.C., was at all time relevant herein as the Law Firm of the City of Kirkwood, in St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (M) That Defendant Ken Yost, was at all times relevant herein as the Public Works Director of the City of Kirkwood, in St. Louis County

of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

WHEREFORE, Plaintiff prays this Court will enter and grant the issuance of Permanent Injunction to the extant it prevents and or deters Defendants from stopping Constitutional rights to speak at City of Kirkwood Citizen Participation Council Meetings.

Respectfully submitted,



Charles Lee Thornton
351 Attucks St.
Kirkwood, Mo. 63122
Date: 4-9-2007

VERIFICATION

I, Charles Lee Thornton, Plaintiff in the above-entitled action, being first duly sworn, state that I have read and subscribed to the foregoing complaint, and that the facts set forth therein are true and correct.


Charles Lee Thornton

Subscribed and sworn to before me on April 9, 2007

